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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/361,413	07/27/1999	MITSUO NIIDA	35.C13685	5490

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EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/361,413	<b>Applicant(s)</b> NIIDA ET AL.	
	<b>Examiner</b> John M. Villecco	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --.

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 2, 2005 has been entered.

### ***Response to Amendment***

2. Applicant has amended each of independent claims 25, 32, and 39 to recite the limitation of sending a first command, wherein the first command indicates a shape selected in the shape selection step and an area set in the area setting step. Applicant appears to be responding to the fact that in the previous rejection the examiner stated that it is not a requirement of the claim that the two different type of image data be sent together. However, the examiner believes that the newly amended claim still does not overcome the obviousness rejection based on the combination of Ueno and Suga. In particular, Suga teaches in column 10, lines 32-36, that the rectangular region information and coordinate information are sent to the camera. It is interpreted by the examiner that the rectangular coordinate information is interpreted to be the area information. Since it appears that in Suga only a rectangular region is capable of being designated, Ueno was brought in to teach that it is well known in the art to select the shape of a region to be used in exposure or focus evaluation. Since Suga only discloses sending one type of

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shape and Ueno teaches a plurality of different shapes, one of ordinary skill in the art would have found it obvious to send both the shape and the area information to allow the user to tailor his/her selection area. Thus, when used in combination Ueno and Suga disclose the ability to send a first command containing both shape and area information.

3. For the reasons stated above, a slightly reworded rejection from the previous office action will be maintained.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 25-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al. (U.S. Patent No. 6,313,875) in view of Ueno et al. (U.S. Patent No. 5,625,415).**

6. Regarding *claims 25 and 39*, Suga discloses an apparatus for remotely controlling a camera that allows a user to select a desired area within an image in which to control processing. More specifically, the system includes a plurality of cameras (2, 7, 12) and a plurality of terminals (3, 8, 13). A user at one of the terminals is capable of controlling any of the cameras. As shown in Figure 5, the user is capable of selecting any of the inputs and controlling the image from the camera using the menu (105). Furthermore, as shown in Figure 12A-12D, the user is able to select a range within the image and displaying the range selected by the user. See column 10, lines 18-44. This step serves as the area selection step since a size of the frame is being

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determined. Furthermore, after the user sets the frame size, a command is sent to the camera informing it of the size of the frame that has been set (col. 10, lines 5-8). The user can then set any one of an exposure, focus, or white balance according to the selected area of the image. The user is able to form an image based on the white balance of the selected area thus, forming a better image. Therefore, it would have been obvious to one of ordinary skill in the art to remotely control a camera by selecting an area within an image in which to control the processing of the image so that a high quality image is formed.

Suga, however, fails to specifically disclose a shape selection step for selecting the shape of a frame to be set within the captured image. Ueno, on the other hand, discloses that it is well known in the art to select the shape of an area to be set within an image. More specifically, as disclosed in column 9, lines 12-52, and Figures 5-9 and 14-18, Ueno discloses the ability to select either a window or a point within the image in order to designate an area in which to perform autoexposure or autofocus. This feature allows a user to select various areas and ranges within an image in which to perform autoexposure or autofocus, thereby providing the user with a plurality of options to perform these operations. Since it appears that in Suga only a rectangular region is capable of being designated, Ueno was brought in to teach that it is well known in the art to select the shape of a region to be used in exposure or focus evaluation. Since Suga only discloses sending one type of shape and Ueno teaches a plurality of different shapes, one of ordinary skill in the art would have found it obvious to send both the shape and the area information to allow the user to tailor his/her selection area. Thus, when used in combination Ueno and Suga disclose the ability to send a first command containing both shape and area information. Therefore, it would have been obvious to one of ordinary skill in the art at the time

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the invention was made to allow the camera of Suga to select various shapes within an image in which to perform autoexposure or autofocus.

7. As for *claims 26, 33 and 40*, Suga discloses that the frame is a rectangle. Ueno discloses that the frame can be either a rectangle or a single pixel.

8. With regard to *claims 27, 34 and 41*, Suga discloses that the frame is displayed on the display on top of the captured image.

9. Regarding *claims 28, 35 and 42*, Suga discloses the ability to select a type of operation to be performed using the designated frame area. Suga discloses that any one of exposure, focus, and white balance, can be performed on the image using the selected area. After the area and operation are selected, they are transferred to the camera. See column 10, lines 5-8.

10. As for *claims 29, 36, and 43*, Suga discloses that any one of exposure, focus, and white balance can be performed on the image using the selected area.

11. With regard to *claims 30, 37, and 44*, Suga discloses that the frame is displayed on the display on top of the captured image.

12. *Claim 32* is considered substantively similar to claim 25 with the added limitation of a control apparatus, which includes a communication unit and a control unit. As shown in Figure 2 of Suga, each terminal includes a system control circuit (122) coupled to a network interface circuit (125) for communicating with the other terminals. The control unit controls the operation of terminal (col. 5, lines 29-30) and the network interface circuit (125) for connecting to the network (col. 5, lines 34-35). For an explanation of the additional limitations found within claim 32, see the discussion of claim 25 above.

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13. **Claim 31, 38, and 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al. (U.S. Patent No. 6,313,875) in view of Ueno et al. (U.S. Patent No. 5,625,415) and further in view of Kawamura et al. (U.S. Patent No. 6,522,354).**

14. Regarding *claim 31*, as mentioned above in the discussion of claim 30, both Suga and Ueno disclose all of the limitations of the parent claim. However, neither of the aforementioned references discloses changing a color of the frame depending on the determined function. Kawamura, on the other hand, discloses that it is well known in the art to display frames in different colors depending upon a selected action. More specifically, Kawamura discloses the thumbnail images can be displayed using different color frames depending on where the image was transferred. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made change the frame in Suga depending upon whether the action to be taken is exposure, focus, or white balance, so that the user is visually informed on what action will be taken on the designated area.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'John M. Villecco', with a long horizontal stroke extending to the right.

John M. Villecco  
November 22, 2005